

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 14-1641

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Robert Singleton Johnson

*Plaintiff - Appellant*

v.

Ray Hobbs, Director, Arkansas Department of Correction; John Maples, Warden,  
Grimes Unit, ADC; Chad Davis, Hearing Officer, Grimes Unit, ADC; Josuah  
Sorrels, Correction Officer, Grimes Unit, ADC

*Defendants - Appellees*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Batesville

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Submitted: December 1, 2014  
Filed: December 9, 2014  
[Unpublished]

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Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

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PER CURIAM.

Arkansas inmate Robert Johnson appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action, in which he asserted his equal protection rights were violated by defendants when he was charged and punished more harshly than a white inmate with whom he had been in an altercation. Johnson also challenges the court's denial of appointed counsel, and contends that the magistrate lacked jurisdiction to grant summary judgment.

First, we find that the magistrate had authority to rule on the summary judgment motion without review by a district court judge, because all parties had executed a consent to the magistrate's authority. See 28 U.S.C. § 636(c). Second, we conclude that the district court did not abuse its discretion in denying appointed counsel. See Phillips v. Jasper Cnty. Jail, 437 F.3d 791, 794 (standard of review).

Finally, upon de novo review, see Schoelsch v. Mitchell, 625 F.3d 1041, 1045 (8th Cir. 2010) (standard of review), we agree with the district court that the undisputed facts showed that Johnson and the other inmate were not similarly situated with regard to the altercation. See Weiler v. Purkett, 137 F.3d 1047, 1051 (8th Cir. 1998) (en banc) (equal protection claim). We also find no other evidence supporting an inference that any defendant intentionally or purposefully discriminated against Johnson based on his race. See Lewis v. Jacks, 486 F.3d 1025, 1028 (8th Cir. 2007).

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Joe J. Volpe, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).